

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

ORDINANCE # 667

AN ORDINANCE TO RE-ESTABLISH THE MARLBORO COUNTY CODE OF ORDINANCES, RELATING TO PRISONER HOUSING FEES, TO RE-ESTABLISH THE MARLBORO COUNTY CODE OF ORDINANCES, RELATING TO RESPONSIBILITY FOR MEDICAL CARE OF DETAINEES, TO ADD A VOLUNTARY LABOR PROGRAM, AND TO PROVIDE FOR CERTAIN PRISON LABORERS TO BE COVERED BY WORKERS' COMPENSATION; REPEALING ORDINANCES # 210 AND # 475.

BE IT ORDAINED BY THE COUNCIL OF MARLBORO COUNTY, SOUTH CAROLINA, in lawful assembly, as follows:

Section 1. Sections 210 and 475 of the Marlboro County Code is repealed and Section 667 is established to read:

(a) That each municipality within the County of Marlboro will be charged a per diem fee for the cost of housing and maintenance of any prisoner placed in the detention center for violations of a municipal ordinance, or any other statutory or common law offense punishable by a municipal court;

(b) The fee to be charged shall be based upon the total and variable cost of operating said detention center as determined as the per diem cost of housing a prisoner during the prior fiscal year.

(c) The county detention center is responsible for arranging appointments, transportation and security to medical care providers for detainees charged with a Marlboro County Magistrate's Court offense, General Session's Court offense, and incarcerated convicts properly ordered to serve their sentence in the county detention center. The arresting agency is responsible for arranging appointments and transportation to medical care providers for detainees charged with a Municipal Court offense or other court of competent jurisdiction offense other than a Magistrate's Court offense or a General Session's Court offense.

(d) In the event the arresting agency cannot arrange for appointments, transportation and security for their detainees as described in section (c) above; then the

county detention center may provide such services at the sole expense of the municipality and be reimbursed for the actual costs expended by the County (mileage and hourly wage for the county employee providing the service); but nothing herein contained shall be construed as relieving the municipality from their responsibilities to appointments, transportation and security for their detainees and relieving the County employees as soon as possible.

(e) Regarding financial responsibility for medical expenses incurred by detainees at the county detention center:

(1) The county is not financially responsible for medical expenses resulting from conditions existing prior to an individual's arrest and incarceration in the county detention center. The county is not financially responsible for the medical expenses incurred by an individual for injuries or illnesses arising during, or as the result of, the arrest process by arresting authorities.

(2) The county is not financially responsible for medical services provided to persons who are being held in the county detention center and who are not serving an active sentence (pre-trial detainees).

(3) The county is not financially responsible for medical services resulting from conditions arising during escape or attempted escape of persons who are being held in the county detention center.

(4) The county is not financially responsible for, but will not prevent and assist in arranging any non-elective medical care provided to incarcerated convicts properly ordered to serve their sentence in the county detention center for illnesses or injuries occurring while incarcerated. For purposes of this subsection, "non-elective medical care" means those situations that might include, but are not limited to, the following conditions: (i) relief of pain or suffering; (ii) suspected serious infectious disease; (iii) assessment and treatment of serious injury; and (iv) life-, limb-, or central nervous system-threatening conditions.

(5) The county detention center to impose a co-pay requirement or other cost-sharing requirement on persons if such is required by the medical provider for medical and/or dental services.

(6) The county is financially responsible for the payment of medical and dental services only as provided for in this section.

(7) Nothing in this section authorizes any employee or agent of the county to refuse to allow a prisoner to seek medical or dental care. No agent or employee of the county may request, approve or authorize medical or dental services for detainees, convicts or detainees except for those services for which the county is financially responsible pursuant to this section.

(8) The arresting agency is financially responsible for any and all medical expenses, medications, hospital expenses, diagnostic tests, and any and all medical treatment or diagnostic procedures incurred in the treatment of detainees charged with a Municipal Court offense or other court of competent jurisdiction offense other than a Magistrate's Court offense or a General Session's Court offense.

(f) That any and all fees charged under this ordinance shall be billed by the county detention center upon a monthly basis; such fees being payable within thirty (30) days from the date of billing.

(g) That failure to pay such fees by the municipality will result in the discontinuance of the rights and privileges of their continued use of the detention center for those violations subject to the provisions of this ordinance.

Section 2. Section 667 of the Marlboro County Code is established by adding:

(a) *Authority for enactment.* This section is adopted pursuant to Section 24-13-235 of the Code of Laws of South Carolina 1976, as amended.

(b) *Implementation.* The director of the county detention facility, under the supervision and direction of the Sheriff, is authorized to offer a voluntary program under which persons confined in the county detention facility may perform labor on the public

works or ways. As used in this section, "labor on the public works or ways" means manual labor to improve or maintain public facilities, including, but not limited to, roads, bridges, parks and public buildings. No detainee may perform tasks or work on private property or do any work which would benefit any individual personally.

(c) *Reduction of confinement of participants.* The confinement of a person participating in the voluntary program shall be reduced in accordance with state law.

(d) *Supervision of participants; responsibilities of user agencies.* The director of the county detention facility is responsible for the supervision of persons participating in the voluntary program. Detainees who work outside of the county detention facility must operate under the direct supervision of approved personnel of authorized agencies. All user agencies shall assume all legal responsibility and liability for detainees participating in the voluntary program while they are in their custody. All user agencies are responsible for providing transportation to and from the detention facility and providing a safe work environment for the detainees. In addition, all user agencies are responsible for providing all necessary equipment, tools, safety devices or other materials needed for a task or job.

(e) *Eligibility generally.* A detainee is eligible for supervised work under the voluntary program only if it is determined that the detainee is a fit subject to participate in the program. A detainee may be refused to enter or continue in the voluntary program if it appears from the record that the detainee has refused to perform labor as assigned satisfactorily or has not satisfactorily complied with reasonable requirements governing such labor. All detainees who participate must sign a statement volunteering to serve in the program. In order to participate, a detainee must be serving a sentence in the detention facility for which he cannot be sent to the state department of corrections. A detainee must be sentenced, and he cannot participate in the program if additional charges are pending, provided that this requirement can be waived if a detainee can provide evidence that he has made bond on pending charges.

(f) *Eligibility; court restriction or denial.* The court may restrict or deny a person's eligibility for the voluntary program.

(g) *Promulgation of rules and regulations.* The Sheriff is authorized to promulgate administrative rules and regulations as are necessary to implement the provisions of this section.

(h) Prison laborers working under the direction of county government shall be covered under the county's worker's compensation insurance program.

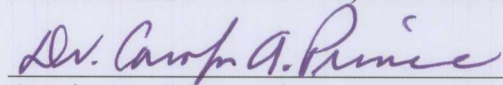
Section 3. The provisions of this Ordinance are declared to be separable, and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, then the declaration shall not affect the validity of the remainder of the sections, phrases, and provisions of this Ordinance.

Section 4. To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Marlboro County Code or in any orders, resolutions, ordinances, and parts thereof, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. This ordinance is effective upon third reading.

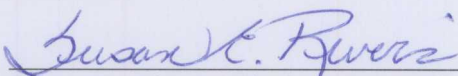
AND IT IS SO ORDAINED, this 11th day of May, 2010.

MARLBORO COUNTY, SOUTH CAROLINA



Carolyn A. Prince, Chair, County Council

ATTEST:


Susan E. Rivers, Clerk to Council

First Reading:	March 9, 2010
Second Reading:	April 13, 2010
Third Reading:	May 11, 2010